

d.) Remarks.

Claims 1, 15 and 17 have been amended to add the phrase “in real-time, closed-loop control of the production process.” Support for this phrase is found in the specification on page 6, lines 11 and 12. Accordingly, no new matter has been added or new issues raised with these amendments, and claims 1-20 are currently pending.

Remarks Regarding 35 U.S.C. § 102(b).

Claims 1, 8, 9, 11-15 and 17-20 stand rejected, under 35 U.S.C. § 102(b), as allegedly anticipated by U.S. Patent No. 5,942,440 (“Dooley”). Applicant respectfully traverses this rejection and all comments made in the Office Action.

Remarks regarding 35 U.S.C. § 103(a)

- A. Claims 2 and 5 stand rejected, under 35 U.S.C. § 103(a), as allegedly obvious over Dooley. Applicant respectfully traverses this rejection and all comments made in the Office Action.
- B. Claims 1-4, 6, 7, 9-12, 15 and 16 stand rejected, under 35 U.S.C. § 103(a), as allegedly obvious over Lee et al. (U.S. Patent No. 5,789,183; “Lee”), in view of Hall et al. (U.S. Patent No. 6,751,576; “Hall”). Applicant respectfully traverses this rejection and all comments made in the Office Action.

Applicant’s Remarks

None of the Examiner’s comments in the Office Action are directed to applicant’s “claimed” invention. The connection asserted by examiner between biological warfare or terrorism threats with Dooley was insufficient because the specific agents in Dooley are detected for trace amounts in a manner not suggestive of immediate detection and immediate, controlled response as needed for biological warfare or a terrorism threat. To further clarify the claimed invention, claims 1, 15 and 17 have been amended to clarify that the present invention allows for real-time, closed-loop control of the production process. The primary objective of Dooley is the use of a sample collection container for transporting a water sample to another location for analysis. Even if the sample collection container is not utilized, Dooley fails to teach monitoring a sample for real-time, closed-loop control of a production process. Accordingly, the rejections of claims 1-20 under 35 U.S.C. § 102 (b) or

35 U.S.C. § 103 (a), are moot or overcome and applicant respectfully requests that they be withdrawn.

Conclusion

In view of the foregoing remarks, reconsideration of the application and issuance of a Notice of Allowance is respectfully requested.

If there are any issues remaining which the Examiner believes could be resolved through either a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned at the number below.

Should additional fees be necessary in connection with the filing of this Responsive Amendment, or if a petition for extension of time is required for timely acceptance of same, the Commissioner is hereby authorized to charge **Deposit Account No. 50-1682 for any such fees, referencing Attorney Docket No. 144590.00200**; and applicant hereby petitions for any needed extension of time not otherwise accounted for with this submission.

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